

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DAVID R. FERNANDEZ,)	
)	
Plaintiff,)	
)	
vs.)	Case Number CIV-08-1146-C
)	
MICHAEL J. ASTRUE, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

On November 8, 2011, Defendant issued a Notice of Award in Plaintiff's favor; however, Plaintiff's counsel did not receive the Notice until February 27, 2012. The next day, Plaintiff's counsel filed the present motion seeking to reopen the case pursuant to Fed. R. Civ. P. 60 so that she may timely file a request for attorney's fees pursuant to 42 U.S.C. § 406(b). Plaintiff's request is in accordance with the procedure set forth by the Tenth Circuit in McGraw v. Barnhart, 450 F.3d 493 (10th Cir. 2006). Plaintiff shall file her Motion for Attorney Fees within 14 days of the date of this Order.

For the reasons set forth herein, Plaintiff's Motion Under F.R.C.P. 60 to Reopen Judgment (Dkt. No. 29) is GRANTED.

IT IS SO ORDERED this 27th day of March, 2012.



ROBIN J. CAUTHRON
United States District Judge